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Application No. 10/788,477
Docket No. 740116-509REMARKS

By the above actions, claims 1, 6, 13, 16, 19, 20, and 26 have been amended. In view of these actions and the following remarks, further consideration of this application is requested.

The undersigned wishes to thank the Examiner for discussing his rejections with the undersigned in a telephone conference conducted on November 8, 2005. As a result of these discussions, it is believed that prosecution has been advanced and that the actions taken above should result in allowance of this application. The substance of these discussions are set forth below in the comments presented relative to the prior art rejections.

Claims 6, 16 and 26 were rejected as being indefinite due to a lack of antecedent bases for the term "cap" joint. Inasmuch as this is unamended language that was not previously found to be indefinite, finally rejecting these claims on this basis is inappropriate and the above amendments correcting this deficiency by changing "cap" to --cup-- should be entered as a matter of right. These claims should no longer be indefinite and the § 112 rejection thereof should now be withdrawn.

Claims 1-6, 20 & 23-27 were rejected under 35 U.S.C. § 102 as being anticipated by the disclosure of the Letendre patent while claims 11-19, 21, 22 and 28-30 were rejected under 35 U.S.C. § 103 as being unpatentable over the Letendre patent. These rejections are considered inappropriate, at least insofar as they related to the claims as now presented, for the following reasons.

As was pointed out previously Letendre states that his two seat halves have "a transverse rotational axis, each half mounted to the seat mount so that the seat halves are capable of rotating at least partially about the transverse axis" (see, Abstract) and the pillow block joint (which is a ball and socket joint) "allows the split seats to rotate about longitudinal axis Z (Fig. 9), in effect, from side to side, about 10°" (col. 4, lines 45-47). In the noted telephone conference, the Examiner's attention was directed to Figs. 1, 2A and 6 of Letendre from which it can be seen that, consistent with his description, the supports for the joints are vertically oriented with no forward or laterally outward orientation and the longitudinal extension of the seat halves are parallel to each other. In contrast, with reference

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to Figures 1, & 3-5, of the present application, the Examiner's attention was directed to the fact that applicant's saddle is constructed very differently, Fig. 5 showing the outward angling of the supports 10 as set forth in independent claims 1 & 20, Fig. 1 showing the major axes of each seat half being directed toward a longitudinal center plane of the saddle so as to form an included angle γ in a range of 50° to 65° of independent claim 13, and Figs. 3 & 4 showing the forward inclination of the supports of claims 11, 19 & 22.

Thus, while Letendre discloses a saddle with symmetrical halves that are oriented parallel to each other on vertical supports having no forward or outward inclination, the present invention has asymmetric (semi-heart shaped) halves that are angled toward each other on supports that are angled upwardly forward and laterally outward. As such, it was made clear to the Examiner that the present invention was not merely the discovery of an optimum or workable range in a structure having the same general conditions, but rather was a total departure from everything taught by Letendre both as to the shape of the seat and the angling of the supports.

However, while the Examiner indicated that he appreciated the actual differences between the invention and the prior art, he was unsure that the claims clearly brought out those differences. Thus, it was proposed by the undersigned to add the frames of reference that have been added to the claims via the above amendments to make it clearer how the invention represents a departure from anything even remotely suggested by the Letendre reference, and the Examiner indicated that he believed that changes of the type proposed would serve to overcome the Letendre reference, although no firm commitment was made pending his having the opportunity to review this response.

Thus, on the basis of the foregoing, it is submitted that the § 102 and § 103 rejections are inappropriate and should be withdrawn, such action being now requested.

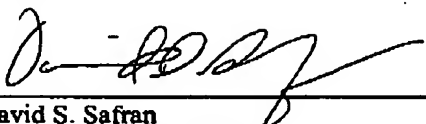
While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited. In this regard, the Examiner's attention is directed to

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the new telephone number and address of the undersigned which is indicated below and on the accompanying Change of Address notice.

Respectfully submitted,

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